

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12 1/2 Response  
Shawen  
1-17-01

In re Application of

Atty. Docket

JACOBUS W. VALLEN

PHN 16,749

Serial No. 09/224,913

Group Art Unit: 2832

Filed: January 4, 1999

Examiner: T. Nguyen

Title: ELECTRIC BALLAST

Commissioner for Patents  
Washington, D.C. 20231PETITION UNDER 37 C.F.R. §1.181

Sir:

Applicant respectfully petitions the Commissioner of Patents and Trademarks, under the provisions of 37 C.F.R. §1.181, to direct the Examiner to provide Applicant with an Advisory Action explaining the present position of the Patent and Trademark Office in relation to the rejection of claims 3-5 under 35 U.S.C. §112, second paragraph.

The Final Rejection dated August 29, 2000 in this application rejected claims 3-5 under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicant filed an amendment under 37 C.F.R. §1.116 on October 16, 2000 which amended claims 4 and 5 so as to avoid the "112" rejection of these claims. Applicant further argued that the "112" rejection of claims 3-5, based upon the term "substantially", was improper.

TO: MIKE Gellman (308-1721)  
Fax # 703-305-1341

PL

An Advisory Action dated November 3, 2000 entered Applicant's amendment under 37 C.F.R. §1.116, but did not indicate whether or not the amendment overcame one or more of the rejections of claims 3-5 under 35 U.S.C. §112, second paragraph.

Applicant therefore requests that the Commissioner of Patents and Trademarks direct the Examiner to forward to Applicant a new Advisory Action that clearly explains the present position of the Patent and Trademark Office as to the "112" rejection of claims 3-5. If the Advisory Action maintains the "112" rejection as to one or more of these claims, it is further requested that the Advisory Action explain why the aforesaid amendment does not overcome this ground of rejection as to such claims.

Respectfully submitted,

By Bernard Franzblau  
Bernard Franzblau, Reg. 20,346  
Consulting Patent Attorney  
(914) 333-9614  
November 9, 2000

**CERTIFICATE OF MAILING**

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

On 11/10/00  
(Date of Mailing)

By Bernard Franzblau  
Bernard Franzblau, Reg. 20,346

2832

**FACSIMILE TRANSMISSION  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**(703) 305-1341**

**TO: Mike Gellner**

**TELEPHONE NUMBER (703) 305-1721**

**ART UNIT 2832**

**SERIAL NO. 09/224,913**

**FROM: Bernard Franzblau**

**REGISTRATION NUMBER: 20,346**

**PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
580 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591  
TELEPHONE: (914) 333-9614**

2867

I certify that this document consisting of 3 pages (including this cover sheet) is being transmitted via facsimile to the United States Patent and Trademark Office at the telephone number set forth above on December 21, 2000.

**Fax Operator**